

REMARKS

Claims 1-11 remain in the application. Only Claim 1 is in independent form.

Claim Rejections Under 35 U.S.C. §103

Claims 1-6 and 9-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gunn et al. (U.S. Patent 5,112,153) in view of Graham et al. (U.S. Patent 2,635,906).

Gunn discloses a ball joint assembly in which the bearing component (32) is either split into left (32a) and right (32b) halves (Figure 3), or upper (32c) and lower (32d) halves (Figure 7). In yet another embodiment depicted in Figure 6, the bearing (32) can be made from plastic as a single piece, with a split (40) being provided for expansion. As described in Column 5, Lines 5-11, and again in Column 6, Lines 15-21, the one-piece version shown in Figure 7 is not constructed of metal, but only of a plastic-type material such as glass fiber, or Teflon filled nylon. Only the embodiment depicted in Figure 7 can be said to suggest an annular metal upper bearing, and this version is not split.

Graham discloses a compression-style ball joint assembly having only one keeper-style "upper" bearing (13) holding the ball portion (12a) of the stud in the housing (11). The upper bearing (13) is not split, and does not simultaneously engage the ball portion (12a) of the ball stud (12) and the inner side wall (11e) of the housing (11).

Accordingly, neither Gunn nor Graham disclose a metal upper bearing having a split segment as defined in the Applicant's Claim 1.

It is respectfully submitted that a *prima facie* case of obviousness has not been established for several reasons. First, there is no suggestion or motivation in either Gunn or Graham to combine their respective teachings. Each reference seeks to provide bearing support for the ball portion of the stud in a different manner. Each teaching diverges from the other.

Thus, unless a specific passage can be cited as evidence of the motivation to combine the teachings, the *prima facie* case of obviousness must be deemed unsatisfied.

Secondly, neither Gunn nor Graham provide any identifiable basis upon which to expect success as a result of modifying their respective teachings to include an annular upper metal bearing having a split segment linking its inner and outer surfaces. Neither Gunn nor Graham have a need for such a construction. Thus, it is only through the Applicant's own teaching that an expectation of success is found. And furthermore, a *prima facie* case of obviousness requires that the prior art references, when combined, teach or suggest all the claimed limitations. Neither Gunn nor Graham disclose an annular metal upper bearing including a split segment linking its inner and outer surfaces. Because this claimed limitation is not found in either of the references which have been used to support obviousness, the rejection must fail.

Accordingly, it is respectfully submitted that a *prima facie* case of obviousness has not been established with regard to Claims 1-6 and 9-11. Thus, it is believed that Claims 1-6 and 9-11 are here presented in condition for allowance.

Claims 7 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gunn et al. in view of Graham et al. as applied to Claims 1-6 and 9-11 above, and further in view of Urbach et al. (U.S. Patent 5,997,208).

Claims 7 and 8 depend directly from base Claim 1, which is believed to be presented in condition for allowance. Urbach, like both Graham and Gunn, fails to disclose a movable joint including an annular metal upper bearing including a split segment linking its inner and outer surfaces. Because none of these prior art references are found to include at least one essential feature of the Applicant's main Claim 1, the rejection of obviousness should not be sustained.

Accordingly, it is respectfully submitted that dependent Claims 7 and 8 are not obvious over Gunn and Graham in view of Urbach.

Concluding Remarks

For the foregoing reasons, it is respectfully submitted that a *prima facie* case of obviousness has not been established with regard to the only independent claim, namely Claim 1. Accordingly, it is respectfully submitted that all claims remaining in the application are now presented in condition for allowance, which allowance is respectfully solicited.

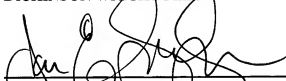
Reconsideration of this application as amended is respectfully requested.

It is believed that this application is now in condition for allowance. Further and favorable action is requested.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 04-1061.

Respectfully submitted,

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